



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,479	12/21/2001	David Morgan Leppink	05242.001	9976

7590 03/04/2005

Vanessa B. Pierce
Parsons Behle & Latimer
One Utah Center
201 South Main Street, Suite 1800
Salt Lake City, UT 84145-0898

EXAMINER

BATURAY, ALICIA

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,479	LEPPINK, DAVID MORGAN	
	Examiner	Art Unit	
	Alicia Baturay	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 1, 13, 19, 24, and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner:
- 10) ☐ The drawing(s) filed on N/A is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02282005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-27 are pending.

Claim Objections

2. Claims 1, 13, 19, 24, and 26 are objected to because of the following informalities: it is written in an outline format (a), b), etc.), and should be written in sentence form. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 20 recites the limitation "the venue computer" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-6, 10-13, 16, 18-24, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis (U.S. 2003/0105641).

7. With respect to claim 1, Lewis discloses a system for issuing a ticket for admission to a venue, comprising: an Internet server capable of selling a ticket to a user, where the user can print the ticket directly from the Internet server (Lewis, page 2, paragraph 21); an Internet connection between the user and the Internet server (Lewis, Fig. 1; page 2, paragraph 20); a venue computer system equipped to validate the ticket (Lewis, page 2, paragraph 22); an Internet connection between the venue computer system and the Internet server (Lewis, Fig. 1, element 26; page 2, paragraph 22).
8. With respect to claim 3, Lewis discloses the invention substantially as described in claim 1, including a system where the venue computer system configures venue and event settings on the Internet server (Lewis, page 2, paragraph 20).
9. With respect to claim 4, Lewis discloses the invention substantially as described in claim 1, including a system where the connection used by the user is a basic modem dial-up connection, a high-speed dedicated circuit, a DSL or Cable connection, or a wireless connection (Lewis, page 2, paragraph 20).
10. With respect to claim 5, Lewis discloses the invention substantially as described in claim 1, including a system where the Internet server is connected to the Internet via a high-speed dedicated circuit (Lewis, page 2, paragraph 20).

Art Unit: 2155

11. With respect to claim 6, Lewis discloses the invention substantially as described in claim 1, including a system where the connection used by the venue computer system is a basic modem dial-up connection, a high-speed dedicated circuit, a DSL or Cable connection, or a wireless connection (Lewis, page 2, paragraph 20).
12. With respect to claim 10, Lewis discloses the invention substantially as described in claim 1, including a system where the ticket includes a ticket key comprising a venue identification number and a ticket identification number (Lewis, Fig. 2, elements 42 and 48; page 2, paragraph 24).
13. With respect to claim 11, Lewis discloses the invention substantially as described in claim 10, including a system where the ticket key comprises a bar code on a printed ticket (Lewis, page 2, paragraph 21).
14. With respect to claim 12, Lewis discloses the invention substantially as described in claim 11, including a system further comprising a bar code scanner that validates the ticket (Lewis, page 2, paragraph 24).
15. With respect to claim 13, Lewis discloses a method for issuing a ticket for admission to a venue, comprising: accessing an Internet web browser (Lewis, page 2, paragraph 20); communicating with an Internet-based server to select an event and time desired (Lewis, page 3, paragraph 26); comparing a total number of tickets already sold to a threshold set by

the venue (Lewis, page 2, paragraph 20); collecting and processing payment information through a checkout process (Lewis, page 2, paragraph 21); generating a ticket identification number (Lewis, page 2, paragraph 21); coupling the ticket identification number with a venue identification number for the venue for which the user is purchasing a ticket, thereby generating a ticket key (Lewis, Fig. 2, elements 48 and 42; page 2, paragraph 24); generating an image encoded with the ticket key; converting the image to a format that can be displayed by HTML rendering engines; and printing the ticket (Lewis, page 2, paragraph 21).

16. With respect to claim 16, Lewis discloses the invention substantially as described in claim 13, including a method where a user selects a specific seat for the event prior to printing the ticket (Lewis, page 3, paragraph 26).
17. With respect to claim 18, Lewis discloses the invention substantially as described in claim 13, including a method where the ticket key comprises a unique bar code (Lewis, page 2, paragraph 21).
18. With respect to claim 19, Lewis discloses a system for notifying a venue that a bar coded Internet ticket has been sold, comprising: a venue computer (Lewis, Fig. 1, element 24; page 2, paragraph 20); an Internet server that provides bar coded Internet tickets (Lewis, Fig. 1, element 18, page 2, paragraph 20) the Internet server in communication with the venue computer (Lewis, page 2, paragraph 22); where data that a ticket has been sold is transmitted between the Internet server and the venue computer (Lewis, page 2, paragraph 24).

Art Unit: 2155

19. With respect to claim 20, Lewis discloses the invention substantially as described in claim 18, including a system where the venue computer includes bar coded Internet ticket processing software, and the venue includes a ticket-taker location (Lewis, page 2, paragraph 24).

20. With respect to claim 21, Lewis discloses the invention substantially as described in claim 19, including a system where multiple venue computers and software located at the ticket-taker location are networked together using a local area network (Lewis, page 4, paragraph 29).

21. With respect to claim 22, Lewis discloses the invention substantially as described in claim 19, including a system where the multiple computers are integrated into existing box office and concession management software in use at the venue via a software application programming interface (Lewis, page 4, paragraph 32).

22. With respect to claim 23, Lewis discloses the invention substantially as described in claim 19, including a system where said data transmitted between the Internet server and the venue computer can be used to verify that a ticket has been sold (Lewis, page 2, paragraph 24).

23. With respect to claim 24, Lewis discloses a method for communicating information between a venue computer and a bar coded Internet ticket server, comprising: transmitting data from the venue computer to the Internet server (Lewis, page 2, paragraph 22); transmitting data

from the Internet server to the venue computer (Lewis, page 2, paragraph 22); where the data transmitted between the venue computer and the Internet server include information about new tickets sold, summaries of total tickets sold, tickets scanned, updates regarding available tickets, and/or changes to dates and times of events (Lewis, page 2, paragraph 22).

24. With respect to claim 26, Lewis discloses a method for providing access to a venue by transmitting a bar coded ticket for the venue from a ticket provider to a customer over a public communication interconnection comprising: transmitting a bar coded ticket from the ticket provider to the customer over the interconnection upon the request of the customer (Lewis, page 2, paragraph 21); printing the unique bar coded ticket into a format that can be presented to obtain access to the venue (Lewis, page 2, paragraph 22); presenting the printed ticket to access the venue (Lewis, page 2, paragraph 24).

25. With respect to claim 27, Lewis discloses the invention substantially as described in claim 26, including a method where said venue is a movie theater (Lewis, Fig. 2, "Movie").

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 2, 7-9, 14, 15, 17, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis and further in view of Stone et al. (U.S. 6,446,045).

28. With respect to claim 2, Lewis discloses an Internet server (Lewis, page 2, paragraph 21).

But Lewis does not expressly disclose the server collecting statistics. However, Stone does teach a system where the Internet server tracks statistical information (Stone, col. 20, lines 18-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lewis and Stone in order to enable control and sales management in near real-time of time-sensitive inventory (Stone, col. 4, lines 43-48).

29. With respect to claim 7, the combination of Lewis and Stone (Lewis-Stone) discloses a system where the Internet server includes an Internet ticketing on-line database (Stone, Fig. 2A, element 1660; col. 18, lines 9-22).

30. With respect to claim 8, Lewis-Stone discloses a system where the venue includes a box office computer system, and further comprising integration between the box office computer system and the Internet ticketing on-line database (Lewis, page 2, paragraph 22) to facilitate tracking of ticket sales and event management in the Internet ticketing on-line database (Stone, col. 28, lines 10-23).

Art Unit: 2155

31. With respect to claim 9, Lewis-Stone discloses a system where the integration between the box office computer system and the Internet ticketing on-line database occurs in real time (Stone, col. 51, lines 49-63).
32. With respect to claim 14, Lewis-Stone discloses a method where the ticket sale is declined if the threshold would be exceeded by the sale of the ticket (Stone, col. 36, lines 2-5).
33. With respect to claim 15, Lewis-Stone discloses a method where the server automatically cuts off ticket sales for specific events at a pre-determined number of minutes prior to the event once the threshold has been reached (Stone, col. 51, lines 49-55).
34. With respect to claim 17, Lewis-Stone discloses a method further comprising the step of making an electronic request in real-time to a venue server for permission to sell additional tickets to a specific event prior to selling additional tickets to the specific event (Stone, col. 27, lines 3-26).
35. With respect to claim 25, Lewis-Stone discloses a method where transmission of data between the venue computer and the Internet server is conducted over a secure, encrypted transmission link (Stone, col. 38, lines 5-10).

Art Unit: 2155

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
March 1, 2005


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER